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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,920	11/17/2003	Richard York	100202703-1	4233

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INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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OBEID, MAMON A

ART UNIT	PAPER NUMBER
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3621

NOTIFICATION DATE	DELIVERY MODE
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12/26/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary**

Application No.

10/715,920

Applicant(s)

YORK, RICHARD

Examiner

Mamon Obeid

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### Status of Claims

1. This action is in reply to the amendment filed on 10/15/2007.
2. Claims 1, 18, 35 and 36 have been amended.
3. Claims 1-36 are currently pending and have been examined.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. The phrase "*the outsort rule will assign a risk factor to the order*" in the newly added limitation of claims 1, 18, 35 and 36 is a relative term which renders the claim indefinite. The term "*will assign*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner is unclear if term "*will assign*" recites positive step. For examination purposes, the Examiner interprets the limitation as 'the outsort rule assigns a risk factor to the order'.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1- 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Felger, US Patent No. 7,013,001 B1 in view of Lawrence, U.S Patent Application Publication No. 2002/0138371 A1.

9. **As per claims 1, 18, and 36:** Felger discloses the following limitations:

- *receiving an incoming order from a customer (see at least column 4, lines 53-57);*
- *applying fraud shield rules to the order and information of the customer, to determine if the order and customer information have information that matches a negative file (see at least column 11, lines 36-53);*
- *requesting a preauthorization from an issuing bank for funds to pay for the order (see at least column 4, lines 66- 66 and column 5, lines 1-13);*
- *performing an address verification system (AVS) check on the customer (see at least column 11, lines 54-66);*
- *checking a card verification number (CVN) of a credit card of the customer (see at least column 32, lines 28-34);*

- *applying a fraud analysis rule to the order to determine if an automatic-reject rule fires, if an outsort rule fires, or if a positive rule fires (see at least column 34, lines 4-19).*

Felger does not disclose *wherein the outsort rule will assign to the order a risk factor that determines a set of information to verify for the order*. However, Lawrence discloses risk factors that are associated with an online transaction/order (see at least the abstract). Lawrence further discloses evaluating a set of information associated with the order risk factors (see at least paragraph 23).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Felger teachings to include the step of assigning risk factors to the order and evaluate the information associated with said risk factors to reduce fraud and hence increasing the online business opportunities (see in Lawrence at least paragraph [0004])

10. **As per claims 2 and 19:** Felger further discloses *rejecting the order if one of the fraud shield rules fires* (see at least column 34, lines 4-19).
11. **As per claims 3 and 20:** Felger further discloses *rejecting the order if the preauthorization is declined* (see at least column 27, lines 60-67 and column 28, lines 1-3).

12. **As per claims 4 and 21:** Felger further discloses *rejecting the order if the information provided by the customer does not match the information in the issuing bank from a result of the AVS check (see at least column 21, lines 45-50).*
13. **As per claims 5 and 22:** Felger further discloses *rejecting the order if the customer is using a foreign credit card (see at least column 32, lines 4-8).*
14. **As per claims 6 and 23:** Felger further discloses *performing further analysis for fraud on the order, if the information provided by the customer does not match the information in the issuing bank from a result of the AVS check or if the customer is using a foreign credit card (see at least column 32, lines 1-8).*
15. **As per claims 7 and 24:** Felger further discloses *approving the order if there is a match in the CVN check (see at least column 32, lines 34-49).*
16. **As per claims 8 and 25:** Felger further discloses *performing further analysis for potential fraud on the order if there is not a match in the CVN code during the CVN check (see at least column 32, lines 14-21).*

17. **As per claims 9, 10, 26 and 27:** Felger further discloses *rejecting the order if an automatic-reject rule fires, accepting the order if none of the automatic-reject rule and the outsort rule fires* (see at least column 27, lines 60-67 and column 28, lines 1-3).
18. **As per claims 11 and 28:** Felger further discloses *accepting the order if a positive rule fires* (see at least column 33, lines 19-31 and column 34, lines 35-46).
19. **As per claims 12, 13, 29 and 30:** Felger further discloses *determining a level of risk of fraud for the order if an outsort rule fires, wherein determining the level of risk of fraud for the order comprises: determining if the order should be classified as a high risk order, medium risk order, or low risk order* (see at least column 32, lines 1-8).
20. **As per claims 14, 15, 31 and 32:** Felger further discloses *wherein the order is received in a website, wherein the order is received in a call center* (see at least column 11, lines 19-35).

- 21. As per claims 16, 17, 33 and 34:** Felger further discloses *wherein the order is an order for a product, wherein the order is an order for a service (see at least column 1, lines 50-66).*
- 22. As per claims 35:** Felger further discloses the following limitations: *means for receiving an incoming order from a customer; means for applying fraud shield rules to the order and information of the customer, to determine if the order and customer information have information that matches a negative file; means for requesting a preauthorization from an issuing bank for funds to pay for the order; means for performing an address verification system (AVS) check on the customer; means for checking a card verification number (CVN) of a credit card of the customer; and means for applying a fraud analysis rule to the order to determine if an automatic-reject rule fires, if an outsort rule fires, or if a positive rule fires (see at least figures 1 and 5 and related text).*

Felger does not disclose *wherein the outsort rule will assign to the order a risk factor that determines a set of information to verify for the order.* However, Lawrence discloses risk factors that are associated with an online transaction/order (see at least the abstract). Lawrence further discloses evaluating a set of information associated with the order risk factors (see at least paragraph 23).



Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Felger teachings to include the step of assigning risk factors to the order and evaluate the information associated with said risk factors to reduce fraud and hence increasing the online business opportunities (see in Lawrence at least paragraph [0004]).

- 23. Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

### ***Response to Arguments***

- 24.** Applicant's arguments with respect to claims 1, 18, 35 and 36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

- 25.** Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

26. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mamon Obeid whose telephone number is (571) 270-1813. The examiner can normally be reached on Mon-Fri 9:30 AM- 6:00 PM.
28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mamon Obeid  
Examiner  
Art Unit: 3621  
December 14, 2007

  
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